IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL No. 1701 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 21/09/2004 in WP No. 16897 OF 2004 on the file of the High Court.)

Between:

Poripireddy Jagannadha Rao S/o Yerakaiah
r/o Bangarammapeta Village, Polavaram Mandal West Godavari District.

..... APPELLANT

AND

1. The District Collector, West Godavari Distrct, Eluru
2. The Mandal Revenue Officer, Polavaram Mandalam, Polavaram, West Godavari District.

.....RESPONDENTS

Counsel for the Appellant: Mr.BADANA.BHASKARA RAO

Counsel for the Respondents : GP FOR REVENUE

The Court made the following :

ORAL JUDGMENT:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

The appellant's grievance is that on 17.9.2004 second respondent along with staff came to the village and threatened to evict the petitioner from the land in Survey No.192/4 to an extent of Ac.4.90 cents of Vinjaram village, Polavaram Mandal, West Godavari District. Appellant claims that he and his predecessors have been in possession of the land since 1910 and cannot be forcibly evicted from the land. Appellant's Writ Petition was dismissed by the learned Single Judge on the ground that it was filed on mere apprehension.

May be that, learned Single Judge was justified in observing that Writ Petition was filed on mere apprehension, but the appellant had produced on record some material to show that appellant was concerned with the land in Survey No. 192/4 and alleged that he and his family had been in possession of the land since 1910 and is sought to be evicted without following the procedure under A.P. Scheduled Areas Land Transfer Regulations, 1959. Therefore, the Writ Petition could have been disposed of with direction to the respondents that in case, the appellant is in occupation of the land, his possession will not be disturbed otherwise than by due process of law. Therefore, we set aside the impugned order and dispose of the Writ Petition with the aforementioned directions. The Writ Appeal stands disposed of. No costs.

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DEVINDER GUPTA, C.J.

05.11.2004.

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C.V.RAMULU, J.

VR.

To

1. The District Collector, West Godavari Distrct, Eluru
2. The Mandal Revenue Officer, Polavaram Mandalam, Polavaram, West Godavari District.

3. Two CCs to Government Pleader for Revenue, High Court Buildings, Hyderabad (OUT).

4. Two CD copies.